

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265
WELFARE FUND, *et al.*,

Plaintiffs,

VS.

UPDATE HEATING AND COOLING, INC.,
an Illinois corporation,

Defendant.

CIVIL ACTION

NO. 08 C 1290

JUDGE SAMUEL DER-YEGHIA YAN

**MOTION FOR ENTRY OF DEFAULT AND FOR AN ORDER
DIRECTING DEFENDANT TO TURN OVER
MONTHLY FRINGE BENEFIT CONTRIBUTION REPORTS**

NOW COME Plaintiffs, by their attorneys, and move for entry of default and for an order directing UPDATE HEATING AND COOLING, INC., an Illinois corporation, Defendant herein, to turn over monthly fringe benefit contribution reports, and all contributions and liquidated damages due thereon, due for the months of December 2007 through the present, pursuant to the Agreements and Declarations of Trust to which Defendant is bound, said Defendant having failed to answer or otherwise plead to the Complaint and the monthly contribution reports being required in order to liquidate Plaintiffs' claims.

On June 17, 2008, the Summons and Complaint was served on the Registered Agent by tendering a copy of said documents to the Illinois Secretary of State, Department of Business Services because the corporation's Registered Agent could not, with reasonably diligence, be found at the registered office of record in Illinois (a copy of the Summons and Affidavit of Compliance for Service on Secretary of State is attached hereto). Therefore, Defendant's answer was due on July

7, 2008. As Defendant has failed to timely answer the Complaint, Plaintiffs respectfully request entry of default.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 17th day of July 2008:

Mr. Oonie F. Allen, Registered Agent/Secretary
Update Heating and Cooling, Inc.
16742 89th Avenue
Orland Hills, IL 60487

Jesse White
Secretary of State
Department of Business Services
File No. 6206-4447
Springfield, IL 62756

/s/ Jennifer L. Dunitz-Geiringer

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